

Petition for Acceptance of Resignation of Trustee and Confirmation of Identity of Successor Co-Trustee

		BOSTON PRIVATE BANK AND TRUST COMPANY is petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Petitioner states on 4/10/1961 John Edward O'Neill died. In due course his will was admitted to probate and testamentary trusts were created for the benefit of his children. Only the trust for John Edward O'Neill, Jr. (the "Trust") remains in force.	1. Petition does not include a copy of the Trust instrument for the court to confirm that Edwin R. O'Neill was given the authority to appoint an additional co-trustee as alleged in the petition. 2. Order Approving Resignation of Corporate Trustee and Appointment of Successor Corporate and Individual Co-Trustees signed on 3/10/1997 includes paragraph 12(k) of the Trust which states that "In the event of the resignation of the corporate trustee at any time, the individual trustees or trustee then acting hereunder must, by a written instrument signed by such trustees, or trustee, appoint a successor corporate trustee hereunder any bank or trust company, wherever situated deemed by the individual trustees or trustee to be of financial standing and reputation qualified to had hereunder; and in the event of the failure or refusal of such individual to do so, the said corporate trustee may secure the appointment of such successor corporate trustee by a Court of competent jurisdiction, at the expense of the trust property." This appears to imply that in addition to any individual trustee there must also, at all times, be a corporate trustee.
Cont. from 051314			
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	W/	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order	<p>The current beneficiaries of the Trust are CHRISTIAN CAGLE and NICHOLAS CAGLE, the twin great-grandsons of John Edward O'Neill. The Trust will terminate upon their reaching the age of 25 (i.e. February 6, 2016), or their earlier graduation from a four-year college, and at that time they will receive the remaining Trust principal outright.</p> <p>By order of this Court on 3/10/1997, the resignation of Wells Fargo Bank as co-trustee was accepted and the appointment of Boston Private Bank and Trust Company and Edwin R. O'Neill as successor co-trustees of the Trust was confirmed.</p> <p>On 6/14/10, pursuant to the power granted him by the Trust, Edwin R. O'Neill appointed John E. O'Neill III as an additional co-trustee of the Trust, and since then he, Boston Private Bank & Trust Company, and Edwin R. O'Neill III have acted together as co-trustees of the Trust.</p> <p style="text-align: center;">Please see additional page</p>	
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: KT
			Reviewed on: 7/8/14
			Updates:
			Recommendation:
			File 1 - O'Neill

1 John Edward O'Neill Trust**Case No. 0577767**

Boston Private Bank & Trust Company has now resigned as Co-Trustee of the Trust. By virtue of this resignation, Edwin R. O'Neill and John E. O'Neill III as to the Co-Trustees of the Trust, and it is in the best interest of the Trust and its beneficiaries that the Court accept the resignation of Boston Private Bank & Trust Company and confirm the trusteeship to Edwin R. O'Neill and John E. O'Neill III.

Wherefore, Petitioner requests that this Court:

1. Accept the resignation of Boston Private Bank & Trust Company as Co-Trustee of the Trust established under the Will of John Edward O'Neill for the benefit of John Edward O'Neill, Jr.;
2. Confirm the appointment of Edwin R. O'Neill and John E. O'Neill, III as Co-Trustees of the Trust established under the Will of John Edward O'Neill.

(1) Second and Final Account and Report of Conservators, (2) Petition for Allowance of Fees for Attorney

DOD: 02/28/14		VICTORIA REYES and STEPHANIE CALLAHAN,		NEEDS/PROBLEMS/COMMENTS:	
		daughters/Conservators, are		1. The disbursements schedule shows numerous disbursements that appear excessive, so much so that it appears that the conservatee is paying for more than just her own expenses. The court may require more information regarding the following disbursements:	
		Petitioners.		<ul style="list-style-type: none"> • An average of \$730.84 per month for groceries • An average of \$369.71 per month for PG&E • An average of \$400.00 per month for Comcast 	
Cont. from		Account period: 10/01/13 – 03/31/14		In addition to the above,	
	Aff.Sub.Wit.			<ul style="list-style-type: none"> • An average of \$142.50 cash each month for recreation, entertainment and dining • An average of \$650/month was paid to Richelle or Victor Carter for meals, preparation, assistance, companionship 	
✓	Verified			Note: California Rule of Court 7.1054(b)(1) states the conservator of the estate must provide competent management of the conservatee's property, with the care of a prudent person dealing with someone else's property and (b)(3) refrain from making loans or gifts of estate property except as authorized by the court after full disclosure.	
	Inventory			2. The Petition does not address the disposition of conservatee's remaining property on hand, consisting of household furniture and furnishings.	
	PTC			3. The Petition does not address how payment of the requested attorney's fees is to be made. There does not appear to be cash in the estate. The Court may require further information.	
	Not.Cred.				
✓	Notice of Hrg				
✓	Aff.Mail	w/o			
	Aff.Pub.				
	Sp.Ntc.				
	Pers.Serv.				
	Conf. Screen				
	Letters				
	Duties/Supp				
	Objections				
	Video Receipt				
	CI Report				
✓	2620(c)				
✓	Order				
	Aff. Posting				
	Status Rpt				
	UCCJEA				
	Citation				
	FTB Notice				

(1) First and Final Account and Report and (2) Petition for Settlement Thereof, for
 (3) Allowance of Statutory Attorney's and Administrators Compensation, for
 Extraordinary Attorney's Compensation for Reimbursement of Costs Advanced, for
 Withhold, and for (4) Final Distribution

DOD: 03/06/88	ELIZABETH LOMELI , Administrator, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
	Account period: 03/06/88 – 03/28/14	
Cont. from	Accounting - \$124,213.94	
<input type="checkbox"/> Aff.Sub.Wit.	Beginning POH - \$37,833.00	
<input checked="" type="checkbox"/> Verified	Ending POH - \$110,498.19 (all cash)	
<input checked="" type="checkbox"/> Inventory		
<input checked="" type="checkbox"/> PTC	Administrator - \$4,726.00 (statutory)	
<input checked="" type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg	Attorney - \$4,726.00 (statutory)	
<input checked="" type="checkbox"/> Aff.Mail		
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.	Attorney x/o - \$2,660.00 (for work performed regarding the sale of real property; itemization provided)	
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen	Costs - \$549.25 (filing fees, certified copies, probate referee)	
<input type="checkbox"/> Letters 11/03/11		
<input type="checkbox"/> Duties/Supp	Closing - \$1,500.00	
<input type="checkbox"/> Objections	Distribution, pursuant to intestate succession, is to:	
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input checked="" type="checkbox"/> 9202	Elizabeth Lomeli, Administrator of the Estate of Jess R. Contreras- \$96,336.94	
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input checked="" type="checkbox"/> FTB Notice		
		Reviewed by: JF
		Reviewed on: 07/07/14
		Updates:
		Recommendation:
		File 3 – Contreras

(1) First and Final Account and Report of Executor and (2) Petition for Its Settlement, for (3) Allowance of Compensation to Executor and Attorney for Ordinary Services, for Reimbursement of Costs Advanced and for (4) Final Distribution

DOD: 12/25/2012		MARY S. RODRIGUEZ , Executor, is petitioner.		NEEDS/PROBLEMS/	
		Account Period: 12/25/2012 – 05/29/2014		COMMENTS:	
		Accounting - \$100,002.63			
		Beginning POH - \$100,000.00			
		Ending POH - \$36,191.23			
Cont. from		Executor - \$3,360.11			
	Aff.Sub.Wit.		(Statutory)		
✓	Verified		Attorney - \$3,360.11		
	Inventory		(Statutory)		
	PTC		Closing Reserve - \$1,000.00		
	Not.Cred.		Reimbursement of costs for preservation of the Estate (house payments, utilities, and maintenance)		
✓	Notice of Hrg		<ul style="list-style-type: none"> Joe S. Rodriguez \$7,502.12 Mary S. Rodriguez \$3,397.13 Angelica B. Montiel (aka Blanca Angelica Rodriguez) \$100.00 Diana Dunn (aka Diana Rodriguez) \$700.00 Lou Anne Rodriguez \$1,413.39 Lauren Hutsbeth \$400.00 		
✓	Aff.Mail	w/	Distribution, pursuant to decedent's Will, is to:		
	Aff.Pub.		<ul style="list-style-type: none"> Joe S. Rodriguez – An undivided 1/6th interest consisting of cash in the amount of \$2,493.07 Mary S. Rodriguez - An undivided 1/6th interest consisting of cash in the amount of \$2,493.06 Rosalie A. Rodriguez - An undivided 1/6th interest consisting of cash in the amount of \$2,493.06 Lou Anne Rodriguez - An undivided 1/6th interest consisting of cash in the amount of \$2,493.06 Diana Dunn - An undivided 1/6th interest consisting of cash in the amount of \$2,493.06 Angelica B. Montiel - An undivided 1/6th interest consisting of cash in the amount of \$2,493.06 		
	Sp.Ntc.				
	Pers.Serv.				
	Conf. Screen				
	Letters	03/29/13			
	Duties/Supp				
	Objections				
	Video Receipt				
	CI Report				
✓	9202				
✓	Order				
	Aff. Posting				
	Status Rpt				
	UCCJEA				
	Citation				
✓	FTB Notice				
				Reviewed by: LV	
				Reviewed on: 07/07/2014	
				Updates:	
				Recommendation: Submitted	
				File 4 – Rodriguez	

(1) First and Final Report of Administrator and (2) Petition for Its Settlement of Statutory and Extraordinary Fees to Attorney for Services, for (3) Withdrawal of Funds from Blocked Account and for (4) Final Distribution

DOD: 02/16/09		GREGORY L. TAYLOR , Administrator with Will Annexed, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Account period: 05/31/13 – 05/06/14	
Cont. from		Accounting - \$170,150.60	
<input type="checkbox"/>	Aff.Sub.Wit.	Beginning POH - \$170,000.00	
<input checked="" type="checkbox"/>	Verified	Ending POH - \$142,708.70 (all cash)	
<input checked="" type="checkbox"/>	Inventory		
<input checked="" type="checkbox"/>	PTC	Administrator - waived	
<input checked="" type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg	Administrator costs - \$435.00 (filing fees)	
<input checked="" type="checkbox"/>	Aff.Mail	w/	
	Aff.Pub.		
	Sp.Ntc.	Attorney - \$5,594.51 (statutory)	
	Pers.Serv.		
	Conf. Screen	Attorney x/o - \$5,271.72 (itemized by date. 29.50 hours for work performed regarding the will contest and objections to Petitioner)	
	Letters	02/03/14	
	Duties/Supp		
	Objections		
	Video Receipt	Costs - \$1,981.00 (filing fees, certified copies, recording fees, publication, probate referee)	
	CI Report		
<input checked="" type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order	Distribution, pursuant to decedent's will, is to:	
	Aff. Posting	Diane E. Taylor - \$20,000.00	
	Status Rpt	William T. Spicer - \$10,000.00	
	UCCJEA	Ashlee S. Brown - \$49,713.24	
	Citation	Gregory L. Taylor - \$49,713.23	
<input checked="" type="checkbox"/>	FTB Notice	Objection to Petitioner's First and Final Report of Administrator filed 06/26/14 by Diane E. Taylor states: 1. The Notice of Hearing was not served on all persons entitled to notice. 2. Petitioner has not accounted for all estate assets that have come into his possession. Continued on Page 2	

Reviewed by: JF

Reviewed on: 07/07/14

Updates:

Recommendation:

File 5 – Taylor

- 2 (con't). Objector states that Petitioner took possession of personal property assets of the decedent valued at over \$200,000.00 and has not accounted for any of those assets.
3. Objector states that this Probate proceeding was opened by Petitioner to avoid a lawsuit and to avoid paying Objector her inheritance.
 4. Objector was forced to retain counsel, file an objection and commence discovery because Petitioner initially excluded her as a beneficiary, failed to submit the 2006 Codicil to probate and has failed to account for all estate assets and respond to pending discovery. But for Objector filing an Objection to the Petition for Probate, the 2006 Codicil would never have been admitted to Probate. The 2006 Codicil leaves an inheritance of \$20,000.00 to Objector. Objector states that she should be awarded legal fees and costs incurred in this proceeding.
 5. Petitioner's legal fees and costs are excessive, are a direct result of Petitioner's fraudulent filings and refusal to pay objector her inheritance and should not be allowed. Objector states that the items reflected in the declaration of Daniel T. McCloskey in support of his request for extraordinary fees are mostly ordinary in nature and are vague and repetitive. Specifically, Objector points out that there were hours spent on researching the same issues over many days, drafting the same document for hours over many days (a one paragraph general denial, a short 998 demand, verified and simple response, etc.) as well as charging for multiple amended Petitions that were filed because of Petitioner's failure to file one that had correct and accurate information and all wills and codicils attached. None of the work rises to the level of "extraordinary".
 6. Petitioner should be ordered to reimburse objector's legal fees and costs.
 7. Objector alleges that the estate is not ready to be closed because her objection is still pending and there is outstanding discovery due from petitioner and Ashlee Taylor.

Objector requests that the Court:

1. Reject the Notice of Hearing and deny the Petition without prejudice; or, in the alternative
2. Order the disbursement of \$20,000.00 to Objector from the blocked account;
3. Order Petitioner to pay Objector \$11,007.44 as reimbursement for her legal fees and costs with leave to request additional reimbursement of fees incurred after 06/25/14; and
4. Deny Daniel McCloskey's request for extraordinary fees.

Petitioner's Response to Objection filed 07/03/14 states: the Objection is unintelligible, and Petitioner contends that the Objector is attempting to perpetuate fees through these unnecessary, unintelligible and mostly irrelevant objections produced by cutting and pasting past objections and then requiring both the Court and the Petitioner to expend time, energy and money in responding. Objector is attempting to punish the Petitioner and Ashlee by causing further unnecessary delays in distribution.

Declarations of Gregory L. Taylor and Ashlee S. Brown, in Opposition to Declaration filed 07/03/14.

Declaration of Daniel T. McCloskey in Support of Reply to Objections to Petition for Final Distribution filed 07/03/14 states: Contrary to Objector's contention, no requests for discovery have been received in any form by the Objector or her attorney and no notice of depositions have been received. Petitioner contends that Objector's reference to a discovery dispute is disingenuous at best and misleading the Court at worst. Objector's attorney has repeated stated in Court that discovery was needed, however, she has never propounded any discovery requests. Petitioner contends that there is no need for discovery. Petitioner contends that Objector achieves nothing from these continued tactics. The 2006 Codicil which names Objector as an heir has already been ordered to be probated (benefitting the Objector). Petitioner believes that the current Objections are aimed at possibly obtaining attorney's fees and to harass and further delay distribution of the estate. Since the Order of Probate, Objector did not have to do anything but wait for distribution of the specific bequest she is entitled to per the 2006 Codicil. Petitioner contends that delay, coupled with representations in court and now the false representation of a pending discovery dispute to attempt to delay distribution is laches. Declarant is concerned, based on Objector's tactics thus far, that she will now attempt to create pending discovery requests and place the Court between a rock and a hard place. Petitioner contends that the Objection should be overruled in its entirety primarily as unintelligible, second due to the false claims of pending discovery. Furthermore, to allow Objector to now engage in discovery would be prejudicial to the other heirs and not reasonably calculated to lead to the introduction of admissible evidence. The other beneficiaries are in agreement and seek distribution as prayed. Petitioner further disputes Objector's assertion that he has failed to provide proper Notice of Hearing (copy of filed Notice of Hearing attached).

6 Katherine E. Kirby (Estate) Case No. 14CEPR00241

Atty Moore, Susan L. (for Petitioner Brent Edward Hudnall)

**Petition for Probate of Will and for Letters of Administration with Will Annexed;
Authorization to Administer Under IAEA (Prob. C. 8002, 10450)**

DOD: 10/1/2013		BRENT EDWARD HUDNALL , son, is petitioner and request appointment as Administrator with Will Annexed. Bond is not addressed. Limited IAEA – o.k. Will dated: 9/15/1986 Residence: Fresno Publication: Fresno Business Journal <u>Estimated value of the estate:</u> Personal property - \$ 55,000.00 Real property - \$150,000.00 Total - \$205,000.00 Probate Referee: Rick Smith	NEEDS/PROBLEMS/COMMENTS: Continued from 6/4/14. As if 7/8/14 the following issues remain: 1. Petition does not address bond. Bond should be set at \$55,000.00 or need waivers of bond from all heirs. 2. #3g(2) of the petition is incomplete. It indicates the personal representative in a nonresident of California but does not include petitioner's permanent address. <u>Note:</u> If the petition is granted, status hearings will be set as follows: • Wednesday, August 13, 2014 at 9:00 a.m. in Department 303, for the filing of the bond, if required. • Wednesday, December 10, 2014 at 9:00 a.m. in Department 303, for the filing of the inventory and appraisal. • Wednesday, September 9, 2015 at 9:00 a.m. in Department 303, for the filing of the first account or petition for final distribution. Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior the date set the status hearing will come off calendar and no appearance will be required.
Cont. from 043014, 060414			
<input type="checkbox"/> Aff.Sub.Wit.	S/P		
<input checked="" type="checkbox"/> Verified			
<input type="checkbox"/> Inventory			
<input type="checkbox"/> PTC			
<input type="checkbox"/> Not.Cred.			
<input checked="" type="checkbox"/> Notice of Hrg			
<input checked="" type="checkbox"/> Aff.Mail	W/		
<input type="checkbox"/> Aff.Pub.			
<input type="checkbox"/> Sp.Ntc.			
<input type="checkbox"/> Pers.Serv.			
<input type="checkbox"/> Conf. Screen			
<input checked="" type="checkbox"/> Letters			
<input checked="" type="checkbox"/> Duties/Supp			
<input type="checkbox"/> Objections			
<input type="checkbox"/> Video Receipt			
<input type="checkbox"/> CI Report			
<input type="checkbox"/> 9202			
<input checked="" type="checkbox"/> Order			
<input type="checkbox"/> Aff. Posting			
<input type="checkbox"/> Status Rpt			
<input type="checkbox"/> UCCJEA			
<input type="checkbox"/> Citation			
<input type="checkbox"/> FTB Notice			

Amended Petition for Appointment of Probate Conservator of the Person - Limited
Conservatorship

Age:		NEEDS/PROBLEMS/COMMENTS: <u>OFF CALENDAR</u> Amended Petition filed 7-1-14 is set for hearing on 8-14-14	
DOD:			
Cont. from			
Aff.Sub.Wit.			
Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
Reviewed by: skc			
Reviewed on: 7-8-14			
Updates:			
Recommendation:			
File 7 – Smith			

Amended Petition for Appointment of Probate Conservator of the Person - Limited
Conservatorship

Age:		NEEDS/PROBLEMS/COMMENTS: <u>OFF CALENDAR</u> Amended Petition filed 7-1-14 is set for hearing on 8-14-14.
DOD:		
Cont. from		
<input type="checkbox"/>	Aff.Sub.Wit.	
<input type="checkbox"/>	Verified	
<input type="checkbox"/>	Inventory	
<input type="checkbox"/>	PTC	
<input type="checkbox"/>	Not.Cred.	
<input type="checkbox"/>	Notice of Hrg	
<input type="checkbox"/>	Aff.Mail	
<input type="checkbox"/>	Aff.Pub.	
<input type="checkbox"/>	Sp.Ntc.	
<input type="checkbox"/>	Pers.Serv.	
<input type="checkbox"/>	Conf. Screen	
<input type="checkbox"/>	Letters	
<input type="checkbox"/>	Duties/Supp	
<input type="checkbox"/>	Objections	
<input type="checkbox"/>	Video Receipt	
<input type="checkbox"/>	CI Report	
<input type="checkbox"/>	9202	
<input type="checkbox"/>	Order	
<input type="checkbox"/>	Aff. Posting	
<input type="checkbox"/>	Status Rpt	
<input type="checkbox"/>	UCCJEA	
<input type="checkbox"/>	Citation	
<input type="checkbox"/>	FTB Notice	
Reviewed by: skc		
Reviewed on: 7-8-14		
Updates:		
Recommendation:		
File 8 – Smith		

Petition for Probate of Will and for Letters Testamentary; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)

DOD: 12/20/2013		<p>JOANN DIREDO, daughter/named executor without bond, is petitioner.</p> <p>Full IAEA – o.k.</p> <p>Will dated: 09/28/2012</p> <p>Residence: Fresno Publication: The Business Journal</p> <p>Estimated value of the Estate:</p> <table> <tr> <td>Real property</td> <td>-</td> <td>\$1,300,00.00</td> </tr> <tr> <td>(Less encumbrances –</td> <td></td> <td>\$300,000.00)</td> </tr> <tr> <td>Total</td> <td>-</td> <td>\$1,000,000.00</td> </tr> </table> <p>Probate Referee: Rick Smith</p>	Real property	-	\$1,300,00.00	(Less encumbrances –		\$300,000.00)	Total	-	\$1,000,000.00	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Note:</u> If the petition is granted status hearings will be set as follows:</p> <ul style="list-style-type: none"> • Thursday, 12/11/2014 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal <u>and</u> • Thursday, 09/10/2015 at 9:00a.m. in Dept. 303 for the filing of the first account and final distribution. <p>Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.</p>
Real property	-		\$1,300,00.00									
(Less encumbrances –			\$300,000.00)									
Total	-		\$1,000,000.00									
Cont. from												
	Aff.Sub.Wit.											
✓	Verified											
	Inventory											
	PTC											
	Not.Cred.											
✓	Notice of Hrg											
✓	Aff.Mail											
✓	Aff.Pub.											
	Sp.Ntc.											
	Pers.Serv.											
	Conf. Screen											
	Letters		x									
	Duties/Supp											
	Objections											
	Video Receipt											
	CI Report											
	9202											
	Order		x									
	Aff. Posting											
	Status Rpt											
	UCCJEA											
	Citation											
	FTB Notice											

Reviewed by: LV
Reviewed on: 07/08/2014
Updates:
Recommendation: Submitted
File 10 – DiRedo

Probate Status Hearing Re: Filing of First Account

		EDWARD J. CRABLE , through his parents, Mark Crable and Patricia Crable filed a petition to approve a Special Needs Trust for the benefit of Edward J. Crable.	NEEDS/PROBLEMS/COMMENTS:
			1. Need first account or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties
Cont. from 120613, 012414, 030714, 050214, 052214		Order approving the Edward J. Crable Special Needs Trust and appointing Patricia Crable as Trustee with bond of \$11,000.00 was signed on 9/25/12.	2. Declaration of Jay T. Jambeck filed on 7/7/14 states his firm was paid a total of \$12,268.78 from the trust for services they feel benefited the trust beneficiary. However, paying attorney fees without a court order is in violation of Section 10.4 of the Trust, Local Rule 7.19 B and CA Rules of Court, Rule 7.903(c)(8).
Aff.Sub.Wit.		Bond of \$11,000.00 was filed on 12/3/12.	
Verified		Notice of Status Hearing for the filing of the First Account was mailed to attorney Jay T. Jambeck on 5/2/13 ordering him to be present on 12/6/13.	Reviewed by: KT Reviewed on: 7/8/14 Updates: Recommendation: File 11 - Crable
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt		Minute order from 12/6/13 states the court notes that Jay Jambeck failed to appear notwithstanding the notice that was sent to him on 5/2/13. The Court orders that Jay Jambeck to be personally present on 1/24/14 or appear by CourtCall if the first account is not filed by the next hearing.	
CI Report		Minute order from 1/24/14 states no appearances. The Court orders Jay Jambeck to be personally present on 3/7/14 or appear via CourtCall. The Court directs that a copy of the minute order be mailed to both addresses noted for Mr. Jambeck. Copy of minute order mailed on 2/3/14.	
9202		Minute order from 3/7/14 states no appearances. Court sets the matter for an Order to Show Cause regarding contempt, failure to appear, and failure to file the first account. Mr. Jambeck is ordered to be personally present on 5/2/14.	
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			

Minute order dated 5/2/14 states counsel informs the Court that the funds were expended for educational expenses.

Declaration of Trustee, Patti Crable filed on 5/16/14 states on 2/13/13 she deposited \$10,000.00 into 2/27/13 she cut a check to Leigh Law Group (her attorney, Jay Jambeck's Law Firm) for a portion of the amount owed to the Leigh Law Group for educational services rendered to Edward Crable for attending I.E.P. meetings and negotiating with Clovis Unified School District and ultimately receiving private school placement of Edward Crable at Logan River Academy in Logan, Utah.

Prior to attending Logan River Academy, Edward Crable was struggling severely at home and at school. Since returning from Logan River Academy, which was solely obtained by the services rendered by the Leigh Law Group, Edward has taken a 180-degree turn and is now doing well at home and at school.

The amount of \$9,250 deposited into a blocked account pursuant to the settlement agreement remains untouched to date and has accrued \$.91 in interest since its deposit. Trustee intends to eventually utilize those funds for Edward's education or to give those funds to Edward.

Declaration of Jay T. Jambeck filed on 7/7/14 states Leigh Law Group engaged in negotiations with the school district regarding an appropriate placement for the trust beneficiary. After negotiations and advocacy with the school district the school district agreed to place the beneficiary at Logan River Academy. Placement at Logan River Academy was extremely successful. The trustee agreed to pay the attorney fees from the trust.

12 Nathaniel Swenson & Scarlet Swenson (GUARD/P) Case No. 12CEPR00833

Atty Horton, Lisa (for Petitioner/paternal grandmother Debbra Swenson)

Atty Fanucchi, Edward (for Guardian/maternal grandmother Talina Hurley)

Petition to Terminate Order fixing Minors Residence Outside of California and Request for Visitation

Nathaniel age: 12		DEBBRA SWENSON, paternal grandmother, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
Scarlet Age: 9			
		TALINA WALLACE aka TALINIA HURLEY, maternal grandmother, was appointed guardian on 11/19/12.	1. Need proof of personal service of the Notice of Hearing on: a. Talina Hurley, guardian – per order granting temporary restraining order filed on 6/24/14.
Cont. from		Father: AARON SWENSON	2. Need order
	Aff.Sub.Wit.		
✓	Verified	Mother: TERESA SWENSON	
	Inventory		
	PTC	On 5/27/14 the Court granted the petition of the guardian allowing her to fix the residence of the children in the State of Oregon.	
	Not.Cred.		
✓	Notice of Hrg	Ex Parte Order signed on 6/24/14 granted a temporary restraining order preventing the guardian from Fixing the Residence of Minors Outside of California.	
	Aff.Mail		
	Aff.Pub.	Petitioner states although the guardian had contact with the Petitioner and the father, she did not inform them of her petition or her intent to move the children from California to Oregon. The Order Fixing the Minors Residence Outside the State of California should be terminated because the father and the paternal grandmother were not noticed of the petition and did not have a chance to be heard.	
	Sp.Ntc.		
✓	Pers.Serv.	The Guardian does not state any reasons why she has to move to Oregon. Petitioner believes that it would be in the children's best interest to stay in California where their parents and their family reside so they can maintain contact. It is the Legislator's intent and "public policy of this state to assure that the children have frequent and continuing contact with both parents after the parents have separated . . ." (Family Code §3020).	
	Conf. Screen		
	Letters	Please see additional page.	
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order	X	
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

Reviewed by: KT

Reviewed on: 7/8/14

Updates:

Recommendation:

File 12 – Swenson

12 Nathaniel Swenson & Scarlet Swenson (GUARD/P) Case No.12CEPR00833

Talia is the court appointed Guardian, but that does not take away the parents or other grandparents' rights to have reasonable visitation with the minors. Petitioner and the father have attempted to set up reasonable visitation with the minors but Talina for some unknown reason will not allow it. Petitioner and the father have made several calls to Talina but they are rarely answered and go to voicemail.

Talina mentions that the parents are detrimental to the children which is untrue. Petitioner and the father are not a danger to the children. The father has been clean and sober since July 2010 (almost 4 years) and finished his rehabilitation program through the Salvation Army around May 2012. Petitioner and the father have tried to maintain a relationship with the children but Talina will not allow one and intentionally prevents them from speaking with and seeing the children. Talina is alienating the children from their family, which is clearly not in their best interests.

Petitioner is requesting the following visitation schedule:

- a. Petitioner and the father shall have visitation with the minors every other weekend commencing from Friday at 6:00 p.m. and concluding on Sunday at 6:00 p.m.
- b. The exchange shall take place in front of the Clovis Police Department.
- c. Petitioner and father shall have reasonable, private and uninterrupted telephone communication with the minors.
- d. Petitioner and father shall have visitation with the minors on Christmas Eve and the day after Thanksgiving from 9:00 a.m. to 6:00 p.m.
- e. Petitioner and father shall have visitation with the minors for one full week in the summer.

Petitioner prays for an Order as follows:

1. The court terminate the Order Fixing Residence Outside of California signed on 5/27/14.
2. Grant reasonable visitation to Petitioner and the father as set forth in the petition.

Letter from mother, Teresa Swenson, filed on 7/2/14 indicates she was not notified that her mother, the guardian, was requesting the children be moved out of state. She states she is not in agreement with the move and would like the paternal grandmother and the father to have visitation with the minors.

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

		TEMP EXPIRES 7-10-14	NEEDS/PROBLEMS/COMMENTS:
		MELISSA AVENA , Nonrelative (friend of parents), is Petitioner.	Note: When the petition was originally filed, Petitioner resided in Vallejo. According to the minute order of 5-20-14, the Petitioner had moved to Fresno. However, per the Court Investigator's report, Petitioner now resides in Solano County and wishes to dismiss her petition.
		Father: JUAN RODRIGUEZ - Personally served with Notice of Hearing only on 5-20-14	
		Mother: VANESSA HERNANDEZ - Personally served with Notice of Hearing only on 5-20-14	If this petition goes forward, the following issues exist:
		Paternal Grandfather: Unknown Paternal Grandmother: Rosa Rodriguez - Personally served with Notice of Hearing only on 5-20-14	
<input type="checkbox"/>	Aff.Sub.Wit.		1. Need DSS Investigation pursuant to Probate Code §1513(b).
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		2. Need Petitioner's updated address and information to be filed.
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		3. Notice of Hearing filed 5-21-14 is defective: - The proof of personal service on the parents does not indicate that a copy of the petition was served with the notice, and the server's information is not included. - The siblings are listed, but there is no indication that they were served (no signature, proof incomplete).
<input checked="" type="checkbox"/>	Notice of Hrg		
<input type="checkbox"/>	Aff.Mail	X	4. Need proof of service of Notice of Hearing with a copy of the petition at least 15 days prior to the hearing or consent and waiver of notice or declaration of due diligence on: - Joseph Hernandez - Joan Hernandez - Unknown Paternal Grandfather
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		Reviewed by: skc
<input checked="" type="checkbox"/>	Pers.Serv.	w/o	
<input checked="" type="checkbox"/>	Conf. Screen		Reviewed on: 7-8-14
<input checked="" type="checkbox"/>	Letters		
<input checked="" type="checkbox"/>	Duties/Supp		Updates:
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		Recommendation:
<input type="checkbox"/>	DSS Report	X	
<input type="checkbox"/>	Clearances	X	File 13 – Rogriguez
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input checked="" type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		

			TEMP EXPIRES 7-10-14	NEEDS/PROBLEMS/COMMENTS:
			RENEE COVINGTON, Maternal Grandmother, is Petitioner.	1. Need notice per Probate Code §1511 or consent and waiver of notice or declarations of due diligence to: - Melvie Johnson (Maternal Grandfather) - Unknown paternal grandfather - Unknown paternal grandmother
			Father: UNKNOWN - Notice dispensed per Minute Order 5-20-14	
	Aff.Sub.Wit.		Mother: ROBIN GLASPIE - Consents and waives notice	
✓	Verified		Paternal Grandfather: Unknown	
	Inventory		Paternal Grandmother: Unknown	
	PTC		Maternal Grandfather: Melvin Johnson	
	Not.Cred.		Petitioner states the minor has lived with her since he was born. The mother began using drugs. Petitioner was asked to take guardianship of him.	
	Notice of Hrg	X	Court Investigator Jennifer Daniel filed a report on 7-3-14.	
	Aff.Mail	X		
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
✓	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
	Objections			
	Video Receipt			
✓	CI Report			
✓	Clearances			
✓	Order			
	Aff. Posting			
	Status Rpt			
✓	UCCJEA			
	Citation			
	FTB Notice			
				Reviewed by: skc
				Reviewed on: 7-8-14
				Updates:
				Recommendation:
				File 14 – Covington

	TEMP EXPIRES 7-10-14		NEEDS/PROBLEMS/COMMENTS: 1. Need notice per Probate Code §1511 or consent and waiver of notice or declarations of due diligence to: - Melvin Johnson (Maternal Grandfather) - Sandra Fireson (Maternal Grandmmother) - Unknown paternal grandfather
	RENEE COVINGTON, Paternal Grandmother, is Petitioner.		
	Father: DONTAE COVINGTON - Deceased		
	Mother: MELVINA JOHNSON - Consents and waives notice		
	Paternal Grandfather: Unknown		
	Maternal Grandfather: Melvin Johnson Maternal Grandmother: Sandra Fireson		
	Aff.Sub.Wit.		Siblings: Demarian Johnson, Ejaiden Johnson, Tellay Young, Gabriel McGlory, and Josaias Covington (all under age 12)
✓	Verified		Petitioner states the minor has lived in Petitioner's home since birth. The father passed away and the mother began using drugs. CPS stepped in and at the Team Decision Meeting a safety plan was made for Petitioner to file for guardianship.
	Inventory		Court Investigator Jennifer Daniel filed a report on 7-3-14.
	PTC		
	Not.Cred.		
	Notice of Hrg	X	
	Aff.Mail	X	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
✓	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
	Objections		
	Video Receipt		
✓	CI Report		
✓	Clearances		
✓	Order		
	Aff. Posting		
	Status Rpt		
✓	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: skc
			Reviewed on: 7-8-14
			Updates:
			Recommendation:
			File 15 – Covington

Atty Johnson, Helen (Pro Per – Daughter – Petitioner)

Atty Thomas, Shacola (Pro Per – Granddaughter – Petitioner)

Petition for Letters of Administration; Authorization to Administer Under IAEA
(Prob. C. 8002, 10450)

DOD: 1-5-14		HELEN JOHNSON, Daughter, and SHACOLA THOMAS, Granddaughter, are Petitioners and request appointment as Co-Administrators with Full IAEA.	NEEDS/PROBLEMS/COMMENTS: 1. Need publication pursuant to Probate Code §8120. 2. #3c of the petition is blank. Need estimated value of estate pursuant to Probate Code §8002(a)(4). 3. #5a is blank at (7) and (8). Need clarification as to whether the decedent was survived by issue of a predeceased child or no issue of a predeceased child. 4. Petitioners only list themselves at #8 of the petition. The Court may require clarification as to whether there are any other relatives, and if so, need Notice of Petition to Administer Estate per Probate Code §8110. 5. Petitioners do not address bond. Need clarification with reference to Probate Code §8480 or waiver from all heirs, if any. <u>Note:</u> This estate was opened with a fee waiver; however, if assets are distributed, filing fees will be due. <u>Note:</u> If the petition is granted, status hearings will be set as follows: • Thursday, 9/11/2014 at 9:00a.m. in Dept. 303 for the filing of the bond, if required; <u>and</u> • Thursday, 12/11/2014 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal; <u>and</u> • Thursday, 09/10/2015 at 9:00a.m. in Dept. 303 for the filing of the first account or petition for final distribution. Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.	
	Aff.Sub.Wit.			Petitioners do not address bond.
✓	Verified			Full IAEA – Need publication
	Inventory			Decedent died intestate
	PTC			
	Not.Cred.			
	Notice of Hrg	X Residence: Fresno Publication: Need publication		
	Aff.Mail	X		
	Aff.Pub.	X Estimated value of estate: Not addressed		
	Sp.Ntc.			
	Pers.Serv.	Probate Referee: Steven Diebert		
	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
Reviewed by: skc				
Reviewed on: 7-8-14				
Updates:				
Recommendation:				
File 16 – Pennington				

Petition for Appointment of Temporary Conservator of the Estate

			<u>TEMPORARY (PERSON) EXPIRES 8-7-14</u>	NEEDS/PROBLEMS/COMMENTS: <u>Court Investigator was unable to advise rights.</u> <u>SEE ADDITIONAL PAGES</u>
			<u>TEMPORARY (ESTATE) GRANTED EX PARTE ON 6-27-14 EXPIRES 7-10-14</u>	
			<u>AMENDED PETITION FOR CONSERVATORSHIP OF THE PERSON AND ESTATE IS SET FOR HEARING ON 8-7-14</u>	
	Aff.Sub.Wit.		<p>DEBBIE WALTRIP, Wife, is Petitioner and requests appointment as Temporary Conservator of the Estate without bond (\$2,625.00 to be deposited to a blocked account).</p> <p>Estimated Value of Estate: Personal property: \$ 2,625.00 Annual income: \$ 45,648.00 Cost of recovery: \$ 4,827.00 Total: \$ 53,100.00</p> <p>History: Petitioner filed a petition for conservatorship of the <u>person only</u>, along with a petition for temporary conservatorship of the person only. Temporary conservatorship of the person was granted at the hearing on 5-28-14, to expire at the hearing on 6-30-14.</p> <p>However, Petitioner filed an amended petition requesting conservatorship of the person <u>and estate</u>, along with this petition for temporary conservatorship of the estate. The amended petition requesting conservatorship of the person and estate is set for hearing on 8-7-14.</p> <p>At the hearing on 6-30-14 on the petition for conservatorship of the person, temporary conservatorship of the person was extended to 8-7-14, which is the date of the amended petition for conservatorship of the person and estate.</p> <p><u>SEE ADDITIONAL PAGES</u></p>	
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail	W		
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.	X		
✓	Conf. Screen			
	Letters			
✓	Duties/Supp			
✓	Objections			
	Video Receipt			
	CI Report	X		
	9202			
	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
				Reviewed by: skc Reviewed on: 7-8-14 Updates: Recommendation: File 17 – Waltrip

Page 2

Petitioner states the proposed Conservatee was essentially kidnapped by his daughters and taken to Oklahoma and is now listed as a missing person under suspicious circumstances. He is currently without all his daily medications. The people that have taken him are the same people who took him four years ago and were able to coerce him into removing money from his accounts including \$33,000 from his annuity fund. Petitioner requests to be excused from giving notice to the proposed conservatee's daughters. Attached to the temp petition for conservatorship of the person are the Petitioner's marriage certificate indicating that she and the proposed Conservatee have been married since 1989, and also Progress Notes from VA hospital indicating that the proposed Conservatee is under VA care for dementia, other conditions. Declaration filed 5-27-14 provides additional details.

Larry Waltrip filed an Objection on 7-3-14. Mr. Waltrip states:

- He objects to the request that he be adjudged incapable of making informed decisions regarding his own health care.
- He objects to the request for orders related to dementia placement or treatment under Probate Code §2356.
- He denies that he is a resident of the State of California. He voluntarily left the State of California with his daughters with the intention of establishing his residence in Oklahoma. They came to California at his request to take him to Oklahoma.
- He denies that he is unable to effectively manage his own financial resources.
- He requests the conservatorship action be dismissed in its entirety.

Court Investigator Julie Negrete filed a report on 7-8-14.

Page 3

NEEDS/PROBLEMS/COMMENTS:

1. The proposed Conservatee resides in Oklahoma. Need clarification regarding jurisdiction.
2. Need proof of personal service of Notice of Hearing with a copy of the temp petition at least five Court days prior to the hearing per Probate Code §2250(e) on Proposed Conservatee Larry Waltrip.
3. Notice of Hearing filed 7-1-14 indicates that the addresses for some relatives are unknown. If notice is not dispensed, the Court may require further diligence or proof of notice.
4. Petitioner requests appointment without bond, but with \$2,625.00 deposited to a blocked account. However, bond is required for every conservator of the estate pursuant to Probate Code §2320(c)(4) and Cal. Rules of Court 7.207, including cost of recovery.

Although Petitioner requests to block the \$2,625.00, this does not appear to include the proposed Conservatee's estimated income.

Need clarification regarding the request. The Court may require bond of at least \$53,100.00 based on the estimate.

5. The amended petition filed 6-27-14 states the proposed Conservatee is not receiving benefits from the Veterans Administration; however, the declaration indicates that he does receive VA benefits. Need clarification. Notice may be required for the general hearing pursuant to Probate Code §1822(d).